

REMARKS

Claims 3 and 5 are objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In response thereto, Claim 3 has been amended to reflect dependence from Claim 1. Claim 5 is, therefore, proper as being dependent from Claim 3.

Claim 5 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement by containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the invention was filed, had possession of the claimed invention. Specifically, the Examiner states that Claim 5 recites that the undulating configurations are out of phase with each other which contradicts with Claim 1 which now requires the upper and lower surfaces to be transverse to an axis of the pill and at least one of the surfaces including multiple undulating configurations extending parallel to a plane of the surface. The Examiner cites this as a new rejection claiming the originally-filed application does not have support for the embodiment shown in Fig. 4A-4C in combination with the out-of-phase undulations.

Applicants respectfully traverses the Examiner's rejection. Firstly, the out-of-phase versus in-phase embodiments are shown in Fig. 2B versus Fig. 3B, respectively, and described accordingly in the Specification, to wit (emphasis added):

FIG. 2B is an edge view of FIG. 2A showing the first embodiment of the pill design of the invention with the undulating proximal and distal surfaces thereof, with such undulations of the distal and proximal surfaces of the pill being **out-of-phase** with each other;

FIG. 3B is an edge view of FIG. 3A showing the cross-sectional configuration of the second embodiment of the pill design of the invention with the undulating proximal and distal surfaces thereof, with such undulations of the distal and proximal surfaces of the pill being **in-phase** with each other;

The first embodiment of the bobbin pill 64 of the invention is illustrated in FIGS. 2A, 2B and 2C. As shown, the opposing distal and proximal surfaces 70 and 72 include undulations 74 with each peak 76 and trough 78 thereof extending radially from the center of the pill 64. As best shown in FIG. 2B, the undulations 24 are **out of phase** with respect to each other by 180 degrees such that the peaks 76 and troughs 78 of the proximal surface 72 are respectively aligned with the peaks 76 and troughs 78 of the opposing distal surface 70 (i.e., the opposing peaks 76 and troughs 78 are aligned).

FIGS. 3A, 3B, and 3C illustrate the second embodiment of the bobbin pill 64 of the invention, which is similar in configuration with the first embodiment, but with the undulations 74 of the distal and proximal surfaces 70 and 72 being oriented **in-phase** with each other (see FIG. 3B). As such, the troughs 78 of the proximal surface 72 are aligned with the peaks 76 of the distal surface 70 and the peaks 76 of the proximal surface 72 are aligned with the troughs 78 of the distal surface 70 (i.e., the opposing peaks 76 and troughs 78 are not aligned).

In light of the foregoing, the Specification provides ample support of the out-of-phase verses in-phase terminology.

Secondly, regarding the terminology of the pill including upper and lower surfaces 70 and 72 extending transverse to the axis of the pill, all of the embodiments of Figs 2-5 include such surfaces 70 and 72 (not merely the embodiment of Fig. 4) that extend transverse to the axis of the pill.

Reconsideration of the Section 112 rejection is respectfully requested.

Claims 1-3, 5, 6 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable in view of Licher. Specifically, the Examiner states that Licher discloses an automatic inflator comprising a body for receiving a dissolvable pill. The Examiner does, however, note that Licher no longer anticipates the claims, as the surfaces no longer have multiple undulating configurations extending parallel to the plane of the surface that is traverse to an axis of the pill.

The Examiner argues that although Licher does not disclose the exact shape of the pill as set forth in the amended claims, Licher recognizes that the shape of the dissolvable pill is a results-effective variable. The Examiner concludes that since the prior art recognizes the shape as a results-effective variable, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have chosen the shape set forth in the claims, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

However, only the peripheral surfaces of Licher's ribs and exposed cylindrical surfaces of its segment 53 are exposed to increase absorption. The upper and lower surfaces of Licher's are not exposed to increase absorption. Moreover, Licher's ribs weaken the ability to withstand the compression forces whereas Applicant's upper and lower surface undulations do not. Only through the use of Applicant's upper and lower surface undulations may absorption be increased while maintaining or even

increasing the ability to withstand the compression forces.
Hence, the rejection is respectfully traversed and
reconsideration is respectfully requested.

Respectfully submitted,

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